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November 11, 2021

Hon. Denise L. Cote  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

*Surrender is scheduled  
for December 3, 2021 at 2<sup>00</sup> pm.*  
Re: United States v. Charkeem Payne  
Ind. No. 20 Cr. 52 (DLC)

*Denise Cote  
11/12/21*

Dear Judge Cote:

Mr. Payne was sentenced on October 7, 2021 to 48 months in custody and was directed to surrender to begin service of that term on November 12 – tomorrow – to the BOP designated facility, or to the SDNY marshals. We are constrained now to ask for a short extension of time to self-surrender to the designated facility.

On November 2, I sent an email to the BOP designation facility in Grand Prairie, Texas asking about the status of the process for Mr. Payne. I got an email back from BOP the next day advising that it had not yet been contacted by the SDNY about him. I immediately spoke with both the SDNY marshals and with SDNY probation. The liaison at SDNY probation who coordinates the process advised that the Judgment had not yet been entered in its system, but she indicated she would do it herself – although as I understand it, that task typically is assigned elsewhere within probation; and that she would make an expedited request to BOP that should have yielded a designation this week.

We anticipated hearing something this week that would have obviated the need to make this request. I called again yesterday to inquire, and today I was told that, although the request was expedited, we still do not have a designation, and at this late hour it is unlikely that we will have one by tomorrow. I am told that the process is transitioning to a new system and that there was a backlog. Accordingly we respectfully ask for a short extension. I assure the Court that this request is not an effort to delay the commencement of Mr. Payne's sentence. Rather, it is purely a function of a systemic snafu. Because the request was expedited we still expect a quick designation that will allow Mr. Payne to report directly to the facility. Otherwise he will likely languish in the MDC and in BOP/USM transit for weeks or months before arriving at his destination. Given an imminent designation, that does not make sense. Thank you for your consideration of this matter.

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Respectfully submitted,



Michael H. Sporn

MHS/ss  
Cc: Thomas J. Wright, Esq.